

## Guiding Principles

The following principles guided the drafters of the restyled local rules. Each revision is consistent with one or more of these principles. The principles are listed in order of priority:

1. The substance of the rules should not change.
2. The style, organization, format, and terminology of the rules should be consistent with that of the Federal Rules of Civil Procedure.
3. The rules as a whole should be internally consistent in their use of words and their format.
4. The rules should follow generally accepted American-English grammar and usage rules except where generally accepted terms of art or legal conventions could be used without being likely to cause confusion.
5. Each rule should be only as long as is necessary to clearly convey the substance of the rule.

The drafters used the following nuts-and-bolts guidelines while restyling the rules.

They are adapted from Joseph Kimble's article, *Drafting Lessons – Civil Rules*

1. Put the parts in logical order.
2. Use lists to the best advantage, including to
  - a. organize complex information;
  - b. break information into manageable chunks;
  - c. avoid repetition; and
  - d. prevent ambiguity.
3. Break up long sentences, including by
  - a. converting a compound sentence using *and* into two sentences;
  - b. pulling an exception into a new sentence (typically beginning with *But*);
  - c. pulling a condition or conditions into a new sentence;
  - d. repeating a key word from the previous sentence at or near the beginning of the new sentence; and

- e. using a vertical list.
- 4. Avoid needless repetition, including by
  - a. using pronouns;
  - b. shortening a second reference to the same thing (for example, *the magistrate judge's order* to *the order*);
  - c. trying to merge two provisions that are essentially the same; and
  - d. using vertical lists.
- 5. Don't state the obvious, including self-evident or redundant cross-references.
- 6. Say what you mean in normal English.
- 7. Keep the subject and verb – and the parts of the verb itself – close together.
- 8. Don't put the main clause late in the sentence unless the secondary clause is reasonably short.
- 9. Try to put statements in positive form.
- 10. Minimize cross-references.
- 11. Root out unnecessary prepositional phrases, including by
  - a. using the active voice;
  - b. using possessives; and
  - c. converting *of*-phrases to adjectives or into an *-ing* form.
- 12. Replace multiword prepositions (e.g. *for the purpose of* with *to*).
- 13. Collapse clauses into a word or two when possible.
- 14. Use informative headings and subheadings.
- 15. Be wary of intensifiers (e.g. applicable statute).
- 16. Replace nouns that take the place of strong verbs.
- 17. Simplify inflated diction (e.g. *effect service* to *serve*).
- 18. Banish shall.
- 19. Avoid hardcore legalese (e.g. *pursuant to*, *provided that*, and *herein*).